

REMARKS/ARGUMENTS

The rejections presented in the Office Action dated September 25, 2006 (hereinafter Office Action) have been considered. Reconsideration of the pending claims and allowance of the application in view of the present response is respectfully requested.

Without acquiescing to characterizations of the asserted art, Applicant's claimed subject matter, or to the applications of the asserted art or combinations thereof to Applicant's claimed subject matter and in an effort to facilitate prosecution, Applicant has amended independent Claims 1 and 10 to indicate that the connections between the inputs and outputs of the ACS units are implemented in such a manner that $\log_Y P$ path metrics are calculated per one memory read/write operation pair, as was previously claimed in dependent Claims 2 and 11. Since these limitations were present in pending dependent claims, these changes do not introduce new matter. Each of the claims is believed to be patentable over the cited references for the reasons discussed below.

Each of the §103(a) rejections are based at least in part on a combination of the teachings of U.S. Patent No. 6,690,750 to Hocevar *et al.* (hereinafter "Hocevar") in view of U.S. Patent No. 5,027,374 to Rossman (hereinafter "Rossman"), and Applicant submits that these references, alone or in combination, do not teach each of the claimed limitations. The Examiner acknowledges at page 4 that Hocevar does not teach that in calculating consecutive metrics of the trellis, the calculated metrics of the previous stage of the trellis obtained from the outputs of the ACS units are directly connected to the inputs of the ACS units to be used in the calculation of the next stage of the trellis. While the teachings of Rossman are asserted as disclosing ACS units in series, no assertion has been made that the connection of Rossman's ACS units are implemented in such a manner that $\log_Y P$ path metrics are calculated per one memory read/write operation pair, wherein P is the number of data paths and Y is the number of branches from/to a state. No teaching has been identified in either of the asserted references as corresponding to this claimed path metric calculation. As neither of the references has been asserted to teach, nor does either reference appear to teach, the claimed path metric calculation, any combination of the asserted references must fail to correspond to at least these claimed limitations. Without a presentation of

correspondence to each of the claimed limitations, the §103(a) rejections are improper. Applicant accordingly requests that each of the rejections be withdrawn.

Dependent Claims 3-9 and 12-18 depend from independent Claims 1 and 10, respectively. Each of these dependent claims also stands rejected under 35 U.S.C. §103(a) as being unpatentable over at least the above-discussed combination of Hocevar and Rossman. While Applicant does not acquiesce to any particular rejections to these dependent claims, including any assertions concerning descriptive material, obvious design choice and/or what may be otherwise well-known in the art, these rejections are moot in view of the remarks made in connection with independent Claims 1 and 10. These dependent claims include all of the limitations of their respective base claims and any intervening claims, and recite additional features which further distinguish these claims from the cited references. “If an independent claim is nonobvious under 35 U.S.C. §103, then any claim depending therefrom is nonobvious.” MPEP §2143.03; *citing In re Fine*, 837 F.2d 1071, 5 USPQ2d 1596 (Fed. Cir. 1988). Therefore, dependent Claims 3-9 and 12-18 are also allowable over the combination of Hocevar and Rossman.

With particular respect to the rejection of dependent Claims 4-9 and 12-16 over the above-discussed combination of Hocevar *et al.* in view Rossman and further in view of the teachings of U.S. Patent No. 5,408,502 to How (hereinafter “How”), Applicant respectfully traverses. As discussed above, the combination of Hocevar and Rossman fails to correspond to the claimed invention, and the further reliance on How does not overcome the above discussed deficiencies. Without a presentation of correspondence to each of the claimed limitations, the §103(a) rejection is improper and should be not be maintained. Applicant accordingly requests that the rejection be withdrawn.

With particular respect to independent Claim 19, Applicant notes that this claim is not included in any of the statements of rejection nor has any rejection of Claim 19 been asserted. MPEP §707.07(d) indicates that where a claim is refused the word “reject” must be used and the statutory basis for any ground of rejection should be designated by an express reference in the opening sentence of each ground of rejection. If Claim 19 is not rejected, Applicant requests that it be indicated as being allowable; if this was not the

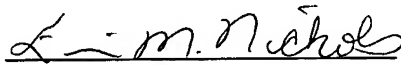
Examiner's intention, Applicant requests clarification, an opportunity to respond, and that any future rejections comply with MPEP §707.07(d).

Authorization is given to charge Deposit Account No. 50-3581 (NKO.012.US) any necessary fees for this filing. If the Examiner believes it necessary or helpful, the undersigned attorney of record invites the Examiner to contact the undersigned attorney to discuss any issues related to this case.

Respectfully submitted,

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By: 

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